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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In Re Applications of)	MM Docket No. 93-75
)	
TRINITY BROADCASTING OF)	
FLORIDA, INC.)	BRCT-911001LY
)	
For Renewal of License of)	
Television Station WHFT(TV))	
Miami, Florida)	
)	
GLENDAL E BROADCASTING COMPANY)	BPCT-911227KE
)	
For Construction Permit)	
Miami, Florida)	

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To: Hon. Joseph Chachkin
Administrative Law Judge

RESPONSE TO REQUEST FOR OFFICIAL NOTICE

On April 3, 1995, The Spanish American League Against Discrimination ("SALAD") submitted a "Request For Official Notice" of 36 pages of attached exhibits. The request should be denied because it contributes nothing pertinent to the disposition of this proceeding.

SALAD states that its request is made because it does not believe that the Mass Media Bureau has accurately reflected Commission policy. However, three of the four exhibits that SALAD submits (Exhibits 2-4) emanate from sources that are not even associated with the Commission, so they hardly establish

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Commission policy. Moreover, those exhibits and the statement of the FCC General Counsel (Exhibit 1) all concern the Commission's tax certificate policy; none of them addresses the issues and record in this case or is inconsistent with the Bureau's position. Accordingly, official notice is unwarranted. See, e.g., Ultravision Broadcasting Co., Inc., 13 RR 2d 739 (Rev. Bd. 1968) (request for official notice denied where pleader had not established relevance of material involved).

Further, SALAD's attached Exhibit 4, a transcript of a television program, begins with the explicit disclaimer that "[t]his transcript has not yet been checked against videotape and cannot, for that reason, be guaranteed as to accuracy of speakers and spelling." For SALAD to ask the Presiding Judge to take official notice of a document that disclaims its own accuracy is very ill founded. See, e.g., Akron Telerama, Inc., 11 RR 2d 196, 197 (ALJ 1967) (denying official notice of trade publication data which "are something less than perfect" in their reliability and "would be insufficient by themselves to substantiate any meaningful findings").

SALAD's request marks the second time since reply findings were filed that SALAD has made a supplemental submission to the Presiding Judge. Of course, given the active discourse surrounding telecommunications issues, all parties could make such submissions continuously. If the Presiding Judge desires an exposition of developments since reply findings were filed,

the proper course would be to request all parties to make such submissions on an equal basis. Absent such a request, SALAD should leave the Presiding Judge to resolve this proceeding without burdening him with supplemental material like the irrelevant 40-page Request For Official Notice it has just submitted.

For the foregoing reasons, the Request For Official Notice should be rejected.

Respectfully submitted,

TRINITY BROADCASTING OF FLORIDA, INC.

TRINITY BROADCASTING NETWORK

NATIONAL MINORITY TV, INC.

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April 12, 1995

CERTIFICATE OF SERVICE

I, Joan M. Trepal, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, hereby certify that on this 12th day of April, 1995, copies of the foregoing "Response to Request for Official Notice" were sent by first class mail, postage prepaid, to the following:

- * The Honorable Joseph Chachkin
 Administrative Law Judge
 Federal Communications Commission
 2000 L Street, N.W.--Room 226
 Washington, D.C. 20554

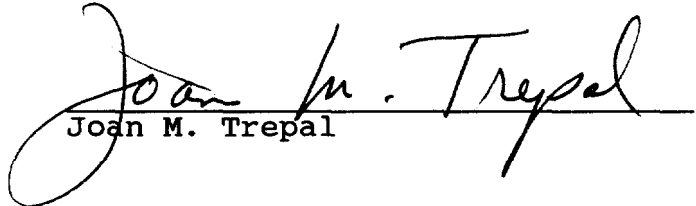
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